

Docket No.: 5486-0169PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Matthew LERNER et al.

Application No.: 09/892,228

Confirmation No.: 3296

Filed: June 25, 2001

Art Unit: 2453

For: CLIPPING VIEW

Examiner: P. J. Chea

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. 1.116

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Madam:

INTRODUCTORY COMMENTS

In response to the Office Action dated October 21, 2008, the period for reply being extended by the petition for a one-month extension of time attached hereto, to February 21, 2009, please reevaluate the above-identified U.S. patent application as follows:

Remarks/Arguments begin on page 2 of this paper.

REMARKS

Claims 6-8, 10-14 and 25-45 are currently pending in the above-identified application. By this response, the Examiner is respectfully requested to reconsider the basis by which he has rejected the pending claims based on the following remarks.

I. Claim Rejections – 35 U.S.C. § 103

The Examiner has rejected claims 6-8, 10-14, 25-29 and 34-44 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,029,141 to Bezos et al. (hereinafter “Bezos”) in view of U.S. Patent No. 6,324,552 to Chang et al. (hereinafter “Chang”), and further in view of U.S. Patent No. 5,761,071 to Bernstein et al. (hereinafter “Bernstein”); and rejects claims 14 and 45 under 35 U.S.C. § 103(a) as being unpatentable over Bezos in view of Chang and further in view of Shafer et al. (hereinafter “Shafer”) which is “Recommender Systems in E-Commerce” 1999; and rejects claims 30-33 under 35 U.S.C. § 102(e) as being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as being obvious over Chang. These rejections are respectfully traversed.

With respect to the primary combination of Bezos, Chang and Bernstein under § 103, and as applied against independent claim 6, for example, Applicants respectfully assert that the asserted combination fails to at least teach, disclose or suggest each and every element found within independent claim 6.

Furthermore, the asserted combination of the three references operates at cross a purpose that is to say that the three references would not be reasonably consulted by one of ordinary skill in the art when seeking to arrive at Applicants’ instant claimed invention.

As will be further discussed below, Applicants also reasonably assert that at least Chang and Bernstein would be mutually incompatible to arrive at the asserted combination of features.

Initially, turning to Chang, the assertion of Chang is being used to render non-obvious the element of independent claim 6, which recites “a user-selection operates without user access to, and display of an address line for entry and display of a URL, and cannot configure the client portal to add or modify controls of the client portal to access content through sites in the network that are not preselected sites and are not related to providing the particular product, and the user-selection cannot add or modify the controls of the association of the preselected site, through a

specific file header, resident at the client portal,”. Furthermore, to allegedly render the claimed element obvious, the Examiner has asserted that a teacher *can set the depth limit to zero in order to prevent students from accessing any page other than their project pages* or to a suitable depth where they know the hotlinks relate to the project and where the browser utilizes a specific file header with an encrypted code that will allow the browser to screen out arbitrary .html pages and only pages with the appropriate encrypted code will be allowed by the browser as default .html pages. However, a close examination of Chang would lead one of ordinary skill in the art not to consider Chang as reasonably disclosing a zero depth limit relating to a certain depth of a root page.

Clearly, a review of the summary of Chang described a browser has a “depth” parameter, whereby users are enabled to browse from those websites on the select list to unlisted sites, which are within the depth parameter away from the listed sites. Specifically, evaluating which are within the depth parameter away from the listed sites clearly would direct a search of the instant reference when a limited amount of surfing would be desirable within the so-called depth parameter specifically enumerated away from a listed site. That would allow additional searching by a user of those websites on a select list that which is already been pre-selected by the educational authority, for example, and are also addressable within the depth parameter set by the particular educational authority. A depth limit of zero for the depth parameter allows for no searching or limited surfing, instead it provides only the single address which in turn provides access to a single html page, or a single site location.

Clearly Chang seems to disclose a system, one where surfing is not prevented, but rather allowed within specific confines. This limited searching would allow within the confines of the depth parameter a particular, a limited amount of flexibility for inherent surfing capabilities. However, a depth parameter of zero would defeat this purpose, and clearly teaches away from any of the salient aspects of what might be primarily gleaned from Chang.

Accordingly, Applicants respectfully assert that Chang fails to expressly or inherently lend support to a flexible surfing environment whereby a depth parameter may be set to a limit equal to zero, as offered by the Examiner.

Furthermore, with regards to Bernstein, the Examiner has asserted Bernstein as disclosing the operation of a client portal, where without user access to, and display of an address line for entry and display of a URL. However, while Bernstein may provide certain masking features, that are features by which certain command lines or address fields could be obscured from view, Applicants respectfully assert that this is not the salient aspect of this particular limitation.

In assuming *in arguendo* that this particular masking that is obscured from view, may be found within Bernstein. Applicants also assert that it is this particular masking or obscured from view, which has been allegedly applied in combination to Chang, would also operate at cross purposes with the particular combination.

That is to say that a masking or obscured from view would also contradict any ability for a user to manipulate their particular web surfing by acting within the preset depth parameter, as offered by the Examiner.

As such, Applicants are of the opinion, that the combination of at least Chang and Bernstein, operate at cross purposes, and cannot be reasonably combined with Bezos, and operate in a logical fashion to render the instant claimed invention non-obvious.

For at least the basis asserted above, Applicants respectfully request that the asserted combination of Bezos in view of Chang, and further in view of Bernstein, fails to meet the burden of *prima facie* case of rejection under § 103, and must be withdrawn.

Accordingly, Applicants respectfully assert that for at least the reasons asserted above, the rejection of independent claim 6 and similarly independent claim 25, and independent claim 34 and 35, are similarly patentably distinct over the asserted combination. Furthermore, for at least the basis by which they depend from the recited patentably distinct independent claims, claims 7-8, 10-14, 26-29 and 36-44 are similarly patentably distinct, for at least the basis that they directly or indirectly depend from a patentably distinct independent claim as well as the additional features that they recite therein.

With regards to claims 14 and 45, which are rejected under § 103 as being unpatentable over Bezos in view of Chang and further in view of Shafer, Applicants respectfully assert that for at least the same basis asserted above, since claims 14 and 45 depend directly or indirectly from a patentably distinct independent base claim, Applicants assert that claims 14 and 45 are

similarly patentably distinct for at least the basis asserted above. Accordingly, the rejection of claims 14 and 45 under § 103 over Bezos in view of Chang and Shafer, is respectfully improper and accordingly, Applicants respectfully request the Examiner withdraw it.

With regards to claims 30-33, which are rejected under § 102(e), or in the alternative under § 103(a), as either being anticipated, or in the alternative, obvious over Chang, Applicants further assert that for at least the same basis as asserted above, claims 30-33 which depend directly or indirectly from a patentably distinct independent base claim, are also, themselves, patentably distinct, for at least that basis, as well as the additional features contained therein. Therefore, Applicants respectfully assert that the asserted rejection of Chang under § 102 or § 103 is improper and must be withdrawn.

II. Conclusion

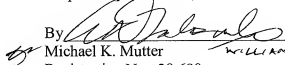
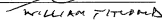
In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact William D. Titcomb Reg. No. 46,463 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: February 20, 2009

Respectfully submitted,

By  ^{46,463}
Michael K. Mutter 
Registration No.: 29,680
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicants